## REMARKS/ARGUMENTS

The aqueous dispersion of independent Claim 1 requires the presence of a water-insoluble vinyl polymer that must contain a monomer selected from the group identified as (B) in Claim 1. Independent Claim 1 further requires that the water-insoluble vinyl polymer include a macromeric monomer such as a styrenic macromer or a silicone macromer. Applicants submit that the combination of monomers required to be present in the water-insoluble vinyl polymer of Claim 1 permits the preparation of water-based inks that provide significantly superior or unexpectedly different angular dependency of color tone.

Applicants submit that EP 1 113 051, cited by the Office as evidence that the previously-presented invention was anticipated by the prior art, does not disclose any embodiment requiring the presence of the particular monomers recited in present Claim 1. Thus, the anticipation rejection should be withdrawn. With respect to the non-obviousness of the presently claimed invention, Applicants draw the Office's attention to the remarks below and the Declaration submitted herewith.

As evidence in support of this significantly superior or unexpectedly different property of the claimed invention, Applicants draw the Office's attention to Tables 1 and 2 of the specification. Table 1 describes the monomer composition from which the water-insoluble vinyl polymers of the examples described in Table 2 are derived. Table 1 is reproduced below for convenience.

Table 1

| Prep. Ex. No. | 1 | 2 | 3 |
|---|---|---|---|
| Monomer Composition (parts by weight) | | | |
| Polyethylene Glycol Monomethacrylate | 25 | 25 | **10** |
| Polypropylene Glycol Monomethacrylate | 0 | 0 | **15** |
| Methacrylic Acid | 12 | 12 | **12** |
| Styrene Monomer | 63 | 53 | **53** |
| Styrenic Macromer | 0 | 10 | **10** |
| Weight-Average Molecular Weight of Polymer | 50000 | 57000 | **55000** |

As is evident from Table 1 above, only Prep. Ex. No. 3 requires the presence of both a monomer of formula (B) and a macromer (i.e., a styrenic macromer). Applicants further draw the Office's attention to the Declaration under 37 C.F.R. § 1.132 submitted concurrently herewith. The Declaration provides the angular dependency of color tone of Examples 1, 2 and 3. Applicants note that the a-value of color tone is represented by symbols in original Table 2 of the specification (e.g., see the last line of Table 2 on page 34). As stated in the Declaration, the angular dependency of color tone of Examples 1, 2 and 3 a+ light intercepting angle of 45° is 39, 35 and 30, respectively. Obviously, Example 3 has the lowest angular dependency of color tone and is therefore by far the most superior of all of the examples of the specification.

As stated by the Declarant:

> It is further my opinion that it is not foreseeable that a significantly improved angular dependency of color tone would be obtained for an ink that contains the aqueous dispersion of the presently claimed invention which requires the presence of

a water-insoluble vinyl polymer containing the monomer units recited in present Claim 1, including a macromeric monomer

Applicants submit that the Declaration submitted concurrently herewith provides sufficient data to prove that the aqueous dispersion of Claim 1 provides significantly superior or unexpectedly different properties that would not have been foreseen by those of skill in the art. Applicants thus submit that the invention of present Claim 1 is not obvious in view of the prior art relied upon by the Office.

Likewise, Applicants submit that the invention of Claim 1 is not obvious in view of co-pending application 10/329,349 and respectfully request withdrawal of the obviousness-type double patenting rejection.

Applicants further submit that the amendment to the claims obviates the rejection under 35 U.S.C. § 112, second paragraph.

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants request withdrawal of the rejection and the allowance of all now-pending claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Stefan U. Koschmieder, Ph.D.
Registration No. 50,238

NFO:SUK\la